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ABSTRACT

On April 15, 1964, two black Mississippi civil rights leaders filed a petition with the Federal Communication Commission (FCC) to deny the license renewal of the Lamar Life Broadcasting station, WLBT-TV, in Jackson (Mississippi). The petition was based on a monitoring study which had revealed that the programing on WLBT-TV provided moderate to segregationist views on civil rights, ignored prointegrationist positions, and, in a community which was nearly 50 percent black, aired only fifteen minutes a week of black programing. This paper examines the WLBT case to explain how the public was invested with the right to intervene in FCC action, a power which before 1966 had been restricted to broadcasters and other media owners, and why, for the first time, a broadcast license was denied for programing reasons. The perspective which such an examination offers is important in considering the three major effects of the two WLBT court decisions on citizen action in broadcasting: citizen action as an antidote for FCC inaction; FCC efforts to increase public regulation of the airwaves; and possible conflicts arising from such public action. (TO)

WLBT: THE BIRTH OF A REGULATING PUBLIC

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> While the absense of Negroes in programming which a station broadcasts is an indication of lack of broadcast service to the Negro community, it is by no means determinative of it. Other factors must enter into our consideration of the matter.
>
> FCC, Lamar Life Broadcasting, 1968

> A policy of discrimination may be inferred from conduct and practices which display a pattern of under-representation or exclusion of minorities from a broadcast licensee's overall programming.
>
> FCC, Alabama Educational Television Commisssion, 1974

The opposition between the Federal Communication Commission's decisions on WLBT (Lamar Life Broadcasting, Inc.) and the Alabama Educational Television Commission (AETC) suggests that the FCC has reversed itself in defining the relative importance of service to minorities within the service area as indicative of programming in the public interest. The WLBT decision has been called a pro-broadcaster decision; in his 1969 decision, Judge Warren Burger, then of the U.S. Court of Appeals for the District of Columbia Circuit, accused the Commission of a "curious neutrality in favor of the licensee." The AETC decision, on the other hand, appears to suggest a victory for minority programming and a victory for citizen action since a petition filed by three Alabamians provided the impetus for the ultimate denial of renewal of the eight stations licensed to the AETC. Such conclusions, however, ignore the major thrust of FCC action vis a vis the public over the past six years, as well as the concentration of citizen action during the same period. The FCC has generally blocked public efforts to bring stations to hearing and has instead issued rule-

makings designed to promote settlement between the station and citizen group without FCC action. Citizen groups have concentrated their efforts on the national level lobbying for increased participation in license renewal proceedings and on the local level negotiating with stations.

This paper examines the WLBT Case to explain: how the public was invested with the right to intervene in FCC action, a power which before 1966 had been restricted to broadcasters and, in a few cases, other media owners; and why, for the first time, a broadcast license was denied for programming reasons. The perspective which such an examination offers is important in considering the three major effects of the two WLBT Court decisions on citizen action in broadcasting: first, citizen action as an antidote for FCC inaction; second, FCC efforts to increase "public regulation" of the airwaves; and third, possible conflicts arising from such public action.

The WLBT Case

On April 15, 1964, the United Church of Christ with Aaron Henry and Robert L.T. Smith, two black Mississippi civil rights leaders, filed a petition with the FCC to deny the renewal of the Lamar Life Broadcasting station, WLBT-TV, in Jackson, Mississippi. The petition was based on a monitoring study which had revealed that the programming on WLVT-TV provided moderate to segregationist views on civil rights and ignored pro-integrationist positions. Furthermore, in a community which was nearly 50 percent black, only fifteen minutes a week of black programming (6:45 to 7:00 Sunday mornings) was aired over the station.

FCC precedents had excluded citizens groups from filing petitions to deny license renewals, but other precedents supported FCC action in this case. Section 309 of the Communications Act states that if a "substantial and

material question of fact is presented," the Commission shall hold a hearing to determine whether renewal is in the public interest. In 1960 the FCC had stated as policy that the principal ingredient of the licensee's service in the public interest consisted of "a diligent, positive and continuting effort of the licensee to discover and fulfill the tastes, needs and desires of his service area."[1] Among those major elements recognized by the Commission as indicative of meeting public needs was service to minority groups. In 1963 the Commission had specified that fair coverage of racial segregation demanded the airing of views of the leaders of black and other community groups.

The Commission acted on the petition on May 19, 1965. First, the opinion denied the petitioners standing--the right to petition to intervene in FCC action, present witnesses and cross exmaine at hearings, and appeal FCC decision. Second, the Commission admitted that the complaint raised questions of fact, but, contrary to policy and precedent, granted WLBT a short-term renewal to allow the station "to make a worthwhile contribution to the resolution of problems arising from the crisis in race relations in Mississippi." The licensee would be evaluated at the end of the one-year renewal period by the following criteria: compliance with the Fairness Doctrine, proof to the Commission of such compliance, efforts toward increasing communication with the Jackson community, and inclusion of blacks in local programming. Commission Chairman E. William Henry and Commissioner Kenneth Cox dissented to this decision, citing the complaint filed by the petitioners as deserving of the careful scruting of an evidentiary hearing and the inadequacy of the short-term renewal criteria as demanding no more of WLBT's programming than that of any renewal applicant. Chairman Henry based his opinion on the failure of the Commission to resolve five issues: misrepresentations of WLBT's policy on

local programming involving racial issues, failure of WLBT to comply with the Fairness Doctrine, mishandling of network programs, discriminatory practices in programming, and the extent of control of Lamar Life Insurance Company which stated that it had turned over control of the station to Lamar Life Broadcasting Company in 1953.

The petitioners appealed the FCC's decision to the U.S. Court of Appeals for the District of Columbia Circuit. The appeal was based on the failure of the Commission to find that the petitioners were responsible community members who had raised substantial questions which only an evidentiary hearing could reconcile. The station and the Broadcast Bureau of the FCC, in their briefs to the Court, argued that the Commission decision had disposed of the issues, that the one-year renewal was the proper action of the Commission, and that the petitioners lacked standing in the proceeding.

The decision of the Court, issued on March 25, 1966, criticized the Commission's handling of the case and ruled that the petitioners had standing as responsible respresentatives of the public. The court based this decision on the inability of the Commission to monitor a station's programming and judge its overall performance in light of the needs of the community the station was licensed to serve; the public as "private attorneys general"[2] could provide such service. In addition, Judge Burger ordered the Commission to hold hearings on WLBT's renewal, granting standing to one or more of the petitioners to prove and assert their claims. The petitioners had won for the public the right to participate in an FCC hearing; it remained to be seen to what degree the FCC would respect this right.

The Commission indicated its opposition to public action with its hearing order of May 25, 1966. All the petitioners were granted standing. The hearing would consider four issues: the fairness of the station in airing

controversial issues, access to WLBT's facilities by significant groups in the service area, misrepresentation of the station to the Commission, and whether in light of the evidence, renewal of the license would serve the public interest. The Commission assigned the burden of proof on the former two issues to the petitioners, on the misrepresentation issue to the Broadcast Bureau, and on the latter issue to Lamar Life Insurance. The Order specifically instructed the Hearing Examiner to admit evidence of programming since the petition was filed.[3] Despite a significant effort of the Court to indicate that the burden should properly fall on the licensee and that minor weight should be accorded post-petition programming, the petitioners were put in the untenable position of proving what the station had and had not programmed, and WLBT was able to defend itself with programming which had resulted from the petitioners renewal challenge. These inequitable rulings were maintained throughout the twelve-day hearing in Jackson, the Hearing Examiner's initial decision, and the FCC decision which renewed the license for three years.

The Commission based its 1968 decision on the following findings: (1) the station had not violated the Fairness Doctrine; (2) although few blacks participated in WLBT's programming between 1961 and 1964, this was not determinative of the station's failure to serve the black community; (3) the petitioners had not proven their allegations; and (4) the station had not made misrepresentations to the Commission. The facts behind these findings were: First, the petitioners had been unable to cite chapter and verse for each of WLBT's failures to serve the public interest, although a number of witnesses testified to violations of the Fairness Doctrine, racist attacks in commercial spots and editorials, and derogatory mispronunciations of the work "Negro." Second, the Broadcast Bureau had made no efforts to investigate the alleged misrepresentations to the Commission: the actual ownership of WLBT between

1953 and 1965, abidance with a policy statement, submitted to the Commission, which stated that programming involving racial issues was not aired, and the broadcast of certain editorials in 1962 opposing James Meredith's admission to the University of Mississippi. Third, service to the black community was satisfied by the station with reduced local programming, described by the petitioners as vacuous and predominated by programs whose individual segments could be segregated--monthly inclusion of black schools with a black host on the weekly dance program, and the use of black ministers in the Mid-Day Devotion rotation.

Commissioners Kenneth Cox and Nicholas Johnson dissented to the three-year renewal, finding it at odds with the Commissioner's 1965 decision which based one-year renewal on the failure of the station to serve the public interest. The dissent criticized the placing of burden of proof and the concentration on post-renewal evidence. The Commission Majority was accused of manipulating burden of proof and ignoring facts in order to exonerate WLBT from charges that it had denied pro-integrationist views. The dissent concluded by noting both the failure of the station to improve in response to the petition and the efforts of the Commisssion to support the station and the status quo in the face of a well-documented public challenge.

Judge Burger based his June 20, 1969, opinion in large part on the dissent of Cox and Johnson. He questioned the 1968 FCC decision in respect to its 1965 decision, he criticized the assignment of burden of proof, and he found a curious neutrality-in-favor-of-the-licensee on the part of the Hearing Examiner. Based on the general failing of the Commission to handle the case in line with the Court's directive and its own precedents, Burger saw no value in the Commission reconsidering the case. The license was ordered to be vacated and comparative hearings to be held. Despite FCC efforts to severly restrict its input, the petitioners had been rewarded for their efforts with the denial of

WLBT's renewal. The action of the Court provided substance to public standing. Citizen action began with this decision.

Public Action/FCC Inaction

> On the other hand, the work done by public action could, in my opinion, be better performed in most--though possible not in all--cases by political and administrative controls. The primary argument, thus, for the public action would be the absense of these controls.[4]

Louis Jaffee, noted administrative law scholar, presents the model situation for public action, the absense of administrative controls. The FCC with limited personnel, limited budget and faced with a Court decision which opened the flood gates to citizen petitions became increasingly supportive of citizen efforts to negotiate improved programming without FCC involvement. The initial formal agreement between a broadcaster and a citizens' group was approved by the FCC within a month following the Court's second decision.

In July, 1969, an agreement between KTAL-TV, Texarkana, Texas, and a community group supported by the Office of Communication of the United Church of Christ was accepted by the FCC as indicative of service in the public interest. This model agreement[5] was in part responsive to the failure of KTAL-TV to serve Texarkana, but the overall considerations were for minority employment, minority programming, and community input in programming decision making.

> 1. KTAL will continue to observe all laws and Federal policies requiring equal employment practices and will take affirmative action to recruit and train a staff which is broadly representative of all groups in the community.
>
> 4. KTAL recognizes its obligations to present regular programs for the discussion of controversial issues, including, of course, both black and white participants. The station will not avoid issues that may be controversial or divisive, but will encourage the airing of all sides of issues.

> 8. KTAL is obligated to discuss programming regularly with all segments of the public. In particular, a station employee with authority to act will meet once a month with a committee designated by the parties to the petition to deny KTAL's TV application for license renewal.[6]

These three elements predominated successful broadcaster/citizen group negotiations across the country. As licenses came up for renewal, primarily in major markets, citizen groups demanded improved employment ratios, more responsive programming, and more contact between broadcasters and the public. In negotiations between the National Organization for Women (NOW) and Storer Broadcasting Company stations in San Diego and Detroit, agreements were signed which stipulated increased employment of women, development of training programs for women, and production of programming oriented toward women. In an agreement between a coalition of citizen groups, including the National Association for Better Broadcasting and Action for Children's Television, and KTTV, Metromedia's license in Los Angeles, a group of children's programs was classified as unsuitable for younger children and not to be aired over KTTV. Furthermore, the station promised to encourage local talent and the development of cultural resources, and to implement its present Equal Employment Opportunity Program to eliminate discrimination in recruiting, hiring and the promotion of minorities and women in all departments. WJIM-TV in Lansing, Michigan, agreed to produce a weekly public affairs program, add a full-time racial minority, on-camera TV news reporter, increase its public service announcements, and to cease airing programming unsuitable for children during peak periods of children's viewing.

Although Commissioner Nicholas Johnson stipulated in a concurring opinion on the KTAL-TV agreement that such an agreement was a first and should be considered an experiment, the FCC has been generally supportive of such agreements

(with the exception of the KTTV agreement which is discussed in a subsequent section). Furthermore, the FCC has issued rulemaking over the past few years directed toward facilitating negotiations between broadcasters and citizen groups.

FCC Efforts to Increase Public Regulation

In an effort to improve the climate for non-legal citizen action, the FCC has revised its renewal policy, increased the information broadcasters must make available to the public, and published a Broadcast Procedure Manual. The revised renewal rules and policies, which were released as a Notice of Inquiry in February, 1971, and adopted as rule making in October, 1973,[7] require radio and television stations to air announcements every fifteen days (the first and sixteenth of the month) that the broadcaster has an obligation to make a continuing diligent effort to determine the most significant problems and needs in his service area and to provide programming to help meet those problems and needs. Within the announcement is a request to listeners and viewers to inform the station of their opinions, criticisms or suggestions, and the information that such comments can also be sent to the FCC. By informing the public on a regular basis, the broadcaster is protected from a last-minute petition to deny renewal by a group which surfaced with its petition. The public has an obligation to contact the broadcaster early in the license renewal period if problems arise, and the extended interim period (from 90 days to four months) gives both the citizen groups and the broadcasters more flexibility in negotiations.

The public file, which a broadcaster must make available to representatives of the public, contains recent renewal applications, ownership reports, various reports regarding broadcasts by candidates for public office, annual employment reports, letters received from members of the public concerning

operation of the station and a copy of the Broadcast Procedural Manual. Materials in the public file must be able to be reproduced by representatives of the public at a reasonable cost.[8] Furthermore, given adequate lead time, a television broadcaster must provide station logs for public inspection and, if desired, machine reproduction.[9] The contents of the public station file, as well as the above information on copying material and gaining access to logs, is listed in The Public and Broadcasting--A Procedure Manual (Broadcast Procedure Manual).[10] In addition to the public inspection of station documents, the Commission has included information on initiating a proceeding, participating in application proceedings, and participating in hearing proceedings.

Conflicts in Public Action

Turning its programming-in-the-public-interest supervision over to citizen action groups has not been without problems. Five are discussed in this section. First, the need for active organization which will continue to monitor and prod a station between renewals has raised issues of repaying peitiioning groups for efforts prior to agreements as well as continued support by the broadcasters for citizen groups as consultants during the renewal period. Tied to the KTAL-TV agreement was reimbursement to the United Church of Christ for expenses incurred during the negotiating period.[11] The FCC categorically denied such reimbursements citing possible abuses of over payment and unsubstantial petitions to obtain substantial fees. Commissioner Kenneth Cox dissented to the decision, finding it indicative of "a distaste for public intervention in the renewal process." Chairman Dean Burch also dissented. He found such payments acceptable if a petition was filed in good faith and raised substantial issues, and the settlement entailed substantial results as a result of legitimate expenses. The decision was remanded to the FCC by the Court of

Appeals for the District of Columbia Circuit and the FCC agreed on payment of $15,000 to the petitioners.[12] In June, 1972, the FCC initiated an inquiry to determine the propriety of reimbursements of prudent expenses for public interest groups as consultants to broadcasters on certain issues. The inquiry was based on requests for such payments in cases in Denver ($5,000 from Combined Communications Corporation to the Denver Task Force for expenses) and Atlanta ($2,000 per year from General Cinema Corporation of Atlanta, Inc., to Citizens Committee for prudent expenses). The inquiry raised questions regarding dollar limit of payments, specification of services, time limit of consultancies, review of consultancies, and role of Commission in regulating such payments. The Commission has not acted on the inquiry.

Second, while problems exist in the regulation of reimbursements and consultancy payments as part of broadcaster/citizen group agreements, there is no control of the potential for blackmailing a station into making a sizable contribution to a group, or individual, in lieu of a petition to deny renewal. In an article in the Federal Communications Bar Journal, Preston Padden, a student at the George Washington University Law Center, cites a case in which the general manager of KWGN, Denver, stated that the Colorado Committee on the Mass Media and Spanish-Surnamed, Inc., had offered to withdraw its petition requesting programming and employment changes if KWGN would contribute $15,000 to the Committee.[13] The veracity of the general manager is not important; the case simply illustrates the possibility that a broadcaster might be forced to choose either to support a group, which is more concerned with its own existence than the public interest, or to endure a long, expensive legal struggle which, although success is assured, would create poor public relations and take staff time from other concerns.

Third, agreements have not always resulted in conditions in line with FCC rules. The KTTV agreement gave the coalition of citizen groups censorship authority over a segment of KTTV's programming. Delegation of programming authority, except under special circumstances, is illegal under FCC rules. Commission Chairman Richard Wiley told the CBS radio affiliates that formal understandings between citizen groups and broadcasters were natural outgrowths of Commission rules aimed at encouraging non-legal settlements. But, the Commission had not asked licensees "to give up licensee discretion and responsibility to avoid 'trouble' at the FCC."[14] Commissioner James Quello also expressed concern with such agreements in a speech to the National Association of FM Broadcasters.[15] The Commission indicated in early fall, 1974, that a policy statement would be released making clear the agreement provisions which would be contrary to Commission policy. Despite the vocalized concern of two commissioners, no such policy has been issued.

Agreements between citizen groups and broadcasters can involve payments to the groups, a practice which the Commission is still considering and has yet to issue a policy statement responding to the issues. In addition to the conflict between portions of agreements and FCC rules, there is the fourth area of conflict between the substance of the agreement and the original petition. In his concurring opinion on KTAL-TV, Nicholas Johnson wrote:

> A license renewal proceeding is, in my judgment, a matter between the broadcaster licensee and <u>all</u> the people in the community, a matter to be resolved by the FCC according to the statutory standard of the "public interest." The Commission can utilize the services of volunteer groups. Indeed, it is so woefully understaffed that any thorough review of broadcaster performance simply must depend on an aroused and involved citizenry.
>
> But just as licenses should not wrongfully be withheld, revoked or denied in response to unwarranted citizen protest, so they should not be granted automatically because

> a certain group of once-protesting citizens has for some reason withdrawn its objections.[16]

The agreement between WJIM-TV and two citizen groups, the Lansing Committee for Children's Television and Citizens United for Better Broadcasting, did not resolve subsequent allegations against the station. In September, 1973, the station agreed with the groups to increase its public affairs programs and public service announcements, and to improve its programming during children's viewing periods.[17] The Commission delayed the renewal of the station to investigate the substance of a series of articles in the Detroit Free Press that the station owners had used the station's news coverage to further their economic, personal and political objectives. In October, the Lansing branch of the American Civil Liberties Union filed a petition to deny WJIM-TV's license renewal alleging news distortion, and in April, 1974, the FCC ordered WJIM AM, FM and TV for hearing.[18] The citizen groups had been aware of WJIM's news practices, but the agreement served their primary concerns and would have been accepted by the Commission if not for the series in the Press.

Fifth, a broadcaster will often bend where there is pressure and the resulting redistribution will sometimes create local programming which is skewed toward the most aggressive group. The agreement between WXYZ-TV and NOW in Detroit was challenged by the Center for the Public Interest for abdicating program control to a "private, radical, political action group." The agreement has also been criticized by STOP ERA and Happiness of Womanhood (HOW), both of which feel NOW does not represent women in Detroit. Michael Novac, frequent contributer to MORE, commented during an April, 1975, segment of NPR's All Things Considered that the slavs are much more unrepresented on television than women or blacks. Slavs are not organized, and as long as the system is conducive to broadcaster's making local programming decisions in response to

citizen action, slavs, and all non-vocal minorities, will always be unrepresented.

Conclusion

The decisions in the WLBT case provided citizens groups with the legal authority to negotiate with broadcasters on even terms. Supported by the FCC, which has approved agreements and increased public awareness and access to station information, citizen groups have had a significant impact on local and network broadcasting. The impact has not always been positive because some groups have been self-serving rather than public-serving and a regulating public cannot regulate itself. The Commission has recently been more critical of agreements and more conducive to examine the extent of the proposed programming in line with FCC rules and public interest obligations.

The greatest impact of the citizen action movement is not revealed through such an analysis of the pros and cons of agreements. This author feels that citizen action has made broadcasters aware of their responsibility or, at least, willing to take steps toward better service in the public interest to protect themselves from future challenges. Two examples illustrate this point. In 1971, Action for Children's Television (ACT) petitioned the FCC to require local stations to program fourteen hours of commercial-free children's programming per week. In late 1974 the Commission responded to this petition with a policy which reflected the status quo. ACT, however, had not completely failed. The efforts of this organization were reflected in reduced commercial time in children's programs, efforts by networks toward prosocial children's programs, and changes in the NAB Code regarding advertising of products for children.

In 1970, Black Efforts for Soul on Television (BEST) petitioned to deny

the renewal of the license of WMAL-TV in Washington, D.C. for the station's failure to employ minorities in all levels of management and to program to the needs of black Washingtonians. The FCC refused to accept the petition and its decision was supported on appeal. WMAL-TV, however, is not programming what it was five years ago. A 1969 study by the Institute for Policy Studies entitled Television Today: The End of Communication and the Death of Community compiled a statistical analysis of the programming of television stations in the Mid-Atlantic region. Based on this analysis the report concluded about WMAL-TV:

> Its low overall performance, its drastic failure to achieve a level of performance anywhere near its potential in size and resources, its stagnant downward trends over the last six years, its low comparative network performance, its extremely low employment of black people and its low esteem in the black community spell disaster. Six separate criteria add up to the lowest performance in the region and the District. Our indices lead us to conclude that WMAL has failed to serve the public interest.[20]

Four years later, including three years during which the station did not have its license renewed, a study by FCC Commissioner Johnson, Broadcasting in America,[21] showed that WMAL-TV ranked seventh among the 150 network affiliates in the top-fifty markets based on criteria similiar to those employed by the Institute.

Jaffee describes a delayed effect of court action on regulatory agencies which appears to have happened with public intervention in FCC action, and an analogy may be drawn (or stretched) between this influence and the effect of citizen action groups on broadcasting.

> In a number of famous cases the remand has achieved no more than new rationalization for the same result. Is a remand thus futile because the agency will adhere stubbornly to to that which it has once willed? There is no doubt that to some extent such an attitude is at work. I would suggest by way of mitigation the hypothesis that when another case comes before it, the agency will be more disposed to follow judicial admonition. In other words, the effectiveness of

> judicial supervision should be judged not only in terms of the case in which the corrections were administered, but in its effect on doctrine in the long run.[22]

The FCC has become more public interest oriented and broadcasters have likewise indicated more concern with what they are doing rather than the myopic perspective of how much will it make. The process has been largely internal, and the study of changes within the organizations, both structurally and attitudinally, would reveal more about the success or failure of citizen action than a tally of victories and defeats.

FOOTNOTES

[1]Programming Policy Statement, 20 RR 1901-1916, 1912 (1960).

[2]This term was originally used by Judge Frank in Associated Industries v. Ickes, 134 F. 2d 694 (1943). It characterizes the public as a party akin to the private person currently permitted by the Attorney General under the English practice to sue in the latter's name.

[3]These statements must be contrasted with statements from the AETC decision regarding burden of proof and post-term improvements:

> AETC's obligation in this connection was underscored by our designation order, which specifically placed both the burden of coming forward with evidence as well as the ultimate burden of proof (or risk of non-persuasion) upon AETC. 32 RR 2d 544 (1975).

> AETC's discriminatory programming practices and its failure adequately to serve the black residents of Alabama during the license term constitute such serious derelections that we cannot decide the case on the basis of post-term improvements. 32 RR 2d 558 (1975).

[4]Louis Jaffe, Judicial Control of Administrative Action, (Boston: Little, Brown and Company, 1965), p. 476.

[5]The KTAL-TV agreement has been reproduced in a number of "guides" for citizen action including: Citizens' Action in Radio and Television (United Church of Christ, 1971), Demystifying Broadcasting (National Citizens Committee for Broadcasting, 1974), and Nicholas Johnson, How To Talk Back To Your Television Set (Boston: Little, Brown and Company, 1970).

[6]KCMC, Inc. 16 RR 2d 1067-81, 1080-81 (1969).

[7]Renewal of Broadcasting Licenses, 27 RR 2d 553-642b (1973). 43 FCC 2d 1-92

[8]Reproduction of Television Station Files, 30 RR 2d 1443-51 (1974).

[9]47 CFR 73.112.

[10]Broadcast Procedure Manual, 31 RR 2d 224-48 (1974). 49 FCC 2d 1-18

[11]KCMC, Inc. 20 RR 2d 267-84 (1970).

[12]KCMC, Inc. 24 RR 2d 575-77 (1972).

[13]Preston Padden, "The Emerging Role of Citizens Groups in Broadcast Regulation," Federal Communications Bar Journal, 25 (1972), 82-110.

[14]"Wiley's Warning on Citizens Agreements," Broadcasting, 87 (September 30, 1974), p. 8.

[15]"Quello Also Takes Tough Stance On Citizen Agreements," Broadcasting, 87 (October 21, 1974), p. 32.

[16]KCMC, Inc., 16 RR 2d 1069 (1969).

[17]Letter from Harold F. Gross to Ben F. Waple, secretary of FCC, September 4, 1973, contained in WJIM-TV file, FCC Public Reference Room.

[18]"WJIM Stations Ordered for Hearing on New Issues," Broadcasting, 88 (April 15, 1974), p. 19.

[19]Letter from James T. McKena, Center for the Public Interest, to the FCC, September 23, 1973, reproduced in the "The Phyllis Schlafly Report," 7 (October, 1973), p. 4. This report is included in the WXYZ-TV file in FCC Public Reference Room.

[20]Ralph Stavins, Television Today: End of Communication and Death of Community, (Washington, D.C.: Institute for Policy Studies, 1969); also published in Dissent to Renewals for D.C., Md., Va., W.Va., of Cox and Johnson, 21 FCC 2d 35-140 (1969).

[21]Arkansas, Louisiana and Mississippi 1973 Renewals: Statement by Commissioner Johnson (Broadcasting in America), 42 FCC 2d 3-172 (1973).

[22]Jaffee, Judicial Control, supra note 4, p. 589.